



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 1763-99
8 March 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 28 October 1998 at age 18. Subsequently, you were seen by a doctor after an asthma attack. You told the doctor that you had a history of asthma since age 12. In addition you stated as follows:

I did not tell MEPS that I did have asthma. And I lied to my parents that I had told MEPS.

Subsequently, you were processed for an administrative separation based on the doctor's conclusion that your asthma was disqualifying for service. After review, the separation authority directed an entry level separation and an RE-4 reenlistment code. You were so separated on 7 December 1998 due to your failure to meet physical standards.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is separated by reason of failure to meet physical standards. The Board believed that the apparent severity of your asthma and the fact that you concealed your condition during the enlistment processing was sufficient to support the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director